



Attorney Docket No. 5051.519

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Noga, et al.
Serial No.: 09/929,788
Filed: August 14, 2001
For: ANTIMICROBIAL PEPTIDES ISOLATED FROM FISH

Group Art Unit: 1632

January 29, 2003

Commissioner for Patents
Washington, DC 20231

RESPONSE TO THE RESTRICTION REQUIREMENT

Dear Sir:

In response to the Restriction Requirement dated December 30, 2002, Applicant hereby elects the claims of Group I (claims 1 and 3) for substantive examination.

In response to the requirement for an election of species, applicants hereby elect the species of **SEQ ID NO: 1** for substantive examination. This election is without traverse to the extent it is understood that, upon the finding of an allowable species, examination will continue with the remaining species until all species have been examined, or a non-allowable species is found. The finding of the Director of the Biotechnology at the USPTO is noted, but it is also noted that this finding is a general finding and not applied to the facts of the instant case as required by *In re Zurko*. Hence, reconsideration of the applicability of this finding is respectfully requested.

Reconsideration of the restriction requirement as to groups VI-VIII is respectfully requested. It is submitted that these are related to the elected group I as product and method of use thereof. It is respectfully submitted that such method claims should be examined and allowed along with the product claim, particularly if the product claim is ultimately directed to a single SEQ ID NO. as is suggested in the Official Action.

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#9
PATENT

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TECH CENTER 1600/2900

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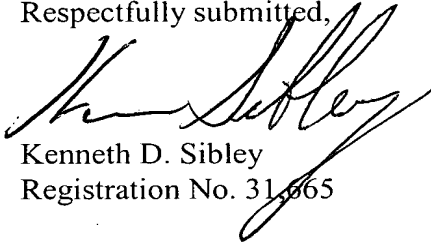
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It is respectfully submitted that this application is in condition for substantive Examination, which action is respectfully requested.

Respectfully submitted,



Kenneth D. Sibley
Registration No. 31,665



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PATENT TRADEMARK OFFICE

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on January 29, 2003.



Vickie Diane Prior

Date of Signature: January 29, 2003

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